

## RIGHT TO PURSUE INDIANS ACROSS BOUNDARY LINE

*Memorandum of agreement signed at Washington July 29, 1882*

*Entered into force August 18, 1882*

*Article VIII modified by protocol of agreement of September 21, 1882<sup>1</sup>*

*Extended by memorandum of agreement of June 28, 1883;<sup>2</sup> protocol of convention of October 31, 1884;<sup>3</sup> and memorandum of agreement of October 16, 1885<sup>4</sup>*

*Expired November 1, 1886*

22 Stat. 934; Treaty Series 221

MEMORANDUM OF AN AGREEMENT ENTERED INTO IN BEHALF OF THEIR RESPECTIVE GOVERNMENTS, BY FREDERICK T. FRELINGHUYSEN, SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, AND MATIAS ROMERO, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF MEXICO, PROVIDING FOR THE RECIPROCAL CROSSING OF THE INTERNATIONAL BOUNDARY LINE BY THE TROOPS OF THE RESPECTIVE GOVERNMENTS IN PURSUIT OF SAVAGE INDIANS, UNDER THE CONDITIONS HEREINAFTER STATED

### ARTICLE I

It is agreed that the regular federal troops of the two Republics may reciprocally cross the boundary line of the two countries, when they are in close pursuit of a band of savage Indians, upon the conditions stated in the following articles.

### ARTICLE II

The reciprocal crossing agreed upon in Article I shall only occur in the unpopulated or desert parts of said boundary line. For the purposes of this agreement the unpopulated or desert parts are defined to be all those points which are at least two leagues distant from any encampment or town of either country.

<sup>1</sup> TS 222, *post*, p. 854.

<sup>2</sup> 23 Stat. 734; TS 224.

<sup>3</sup> 23 Stat. 806; TS 225.

<sup>4</sup> I Malloy 1162; TS 228.

## ARTICLE III

No crossing of troops of either country shall take place from Capitan Leal, a town on the Mexican side of the Rio Bravo, twenty Mexican leagues (52 English miles) above Piedras Negras, to the mouth of the Rio Grande.

## ARTICLE IV

The Commander of the troops which cross the frontier in pursuit of Indians, shall, at the time of crossing or before if possible, give notice of his march to the nearest military commander or civil authority of the country whose territory he enters.

## ARTICLE V

The pursuing force shall retire to its own territory as soon as it shall have fought the band of which it is in pursuit or have lost its trail. In no case shall the forces of the two countries, respectively, establish themselves or remain in the foreign territory for any time longer than is necessary to make the pursuit of the band whose trail they follow.

## ARTICLE VI

The abuses which may be committed by the forces which cross into the territory of the other nation shall be punished by the Government to which the forces belong, according to the gravity of the offense and in conformity to its laws, as if the abuses had been committed in its own territory, the said Government being further under obligation to withdraw the guilty parties from the frontier.

## ARTICLE VII

In the case of offenses which may be committed by the inhabitants of the one country against the foreign forces which may be within its limits, the Government of said country shall only be responsible to the Government of the other for denial of justice in the punishment of the guilty.

ARTICLE VIII <sup>5</sup>

This agreement shall remain in force for two years, and may be terminated by either Government upon four months' notice to the other, to that effect.

## ARTICLE IX

As the Senate of the United States of Mexico has authorized the President of that Republic in accordance with paragraph III. letter B, Section III. of article 72nd of its Constitution as modified on the 6th of November, 1874, to allow the passing of Mexican troops into the United States and of United States troops into Mexico, and the Constitution of the United States em-

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<sup>5</sup> For a modification of art. VIII, see protocol of Sept. 21, 1882 (TS 222), *post*, p. 854.

powers the President of the United States to allow the passage without the consent of the Senate, this agreement does not require the sanction of the Senate of either country and will begin to take effect twenty days after this date.

In testimony of which we have interchangeably signed this memorandum this 29th day of July, 1882.

FREDK. T. FRELINGHUYSEN [SEAL]

M. ROMERO [SEAL]